

# EXHIBIT I

U.S. Serial No. 10/624,884

Terminal Disclaimer to

Obviate a Double

Patenting Rejection

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants** : Richard Harkins et al.  
**Serial No** : 10/624,884 **Examiner:** David J. Blanchard, Ph.D.  
**Filed** : July 22, 2003 **Group Art Unit:** 1643  
**For** : DNA ENCODING A NOVEL RG1 POLYPEPTIDE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SIR:

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION**

Dear Sir:

Petitioner, Bayer Schering Pharma Aktiengesellschaft, a corporation organized and existing under the laws of Berlin, Germany, and having its primary place of business at 178 Muellstrasse, Berlin, Germany, D13342, represents that it is the owner of the entire right, title and interest of U.S. Patent No. 6,682,902, issued on January 27, 2004 and entitled DNA ENCODING A NOVEL RG1 POLYPEPTIDE, at Reel 012285, Frame 0805.

Attached herewith is a corresponding Certificate under 37 C.F.R. § 3.73(b) establishing Bayer Schering Pharma Aktiengesellschaft right as assignee to take action (EXHIBIT II).

Petitioner, Bayer Schering Pharma Aktiengesellschaft hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,682,902, issued on January 27, 2004 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the

legal title to U.S. Patent No. 6,682,902, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,682,902, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

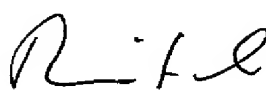
For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Richard Harkins et al.  
U. S. Serial No. 10/624,884  
Filed: July 22, 2003  
Page 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 27, 2008

Bayer Schering Pharma Aktiengesellschaft  
ppa. i. V.



Dr. Tanja Pintsch



Dr. Jürgen Kostrucha

Patents & Licensing

Richard Harkins et al.  
U. S. Serial No. 10/624,884  
Filed: July 22, 2003  
Page 4

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, 2006, this terminal disclaimer is accepted. The period of patent to lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

\_\_\_\_\_  
Petitions Examiner